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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/811,648	03/05/97	KIKINIS D	P1523CIP

EXAMINER	
VAUGHN JR,W	
ART UNIT	**PAPER NUMBER**
2152	16

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Commissioner of Patents and Trademarks

Office Action Summary

Application No.	Applicant(s)
08/811,648	Dan Kikinis
Examiner	**Group Art Unit**
William. C. Vaughn, Jr.	2152

☒ Responsive to communication(s) filed on *Oct 10, 2000*.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire *3 (three)* month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) *1-12* is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) *1-12* is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐approved ☐disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

WCV

DETAILED ACTION

1. This Action is in response to the Reply and Amendment received 10 October 2000.

Continued Prosecution Application

2. The request filed on 10 October 2000 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 08/811,648 is acceptable and a CPA has been established. An action on the CPA follows.

3. The application has been examined. **Claims 1-12** are pending. The objections and rejections cited are as stated below:

4. **Claims 1-4** are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman, U.S. Patent No. 5,940,387.

5. Regarding **claim 1**, Humpleman discloses the invention substantially as claimed. Humpleman discloses *a multimedia data distribution system, comprising: a distribution system distributing and delivering public network protocol signals to the level of an individual asymmetric star home network bus* (Humpleman teaches a switching hub that enables special treatment for heavily asymmetric traffic, e.g. compressed digital video and internet data by directly routing these cases from transmitter to receiver), [Fig. 1, Col. 5, lines 42-67 and Col. 6, lines 1-27, *and a bridge adapter unit connected to the distribution system and to the asymmetric star wiring home network bus* (Humpleman teaches that the system allows for local peripheral

network that can be connected by a gateway to the internal network for interoperability), [Col. 4, lines 20-26] *and a converter connected to the asymmetric star wiring home network bus and having an outlet for connecting conventional single media and multimedia electronic devices* [Col. 3, lines 60-66] *and wherein the bridge adapter unit translates between the public protocol and the Local Area Network (LAN) protocol using hi-frequency, modulated network signals on the asymmetric star wiring home network bus, and to manage the asymmetric wiring home network bus a non-isochronous type bus (well known), and the converter converts the hi-frequency, modulated network signals on the asymmetric star wiring home network bus to a form required by one of the single media and multimedia electronic devices* (Humpleman teaches that the network connects the digital video, digital audio, computer and telephone equipment together internally into the home, which unifies communication and control within the home, making the full power of the external network connections or internal data sources available to any terminal on the network. As can bye understood that this allows for the conversion and translation of different types of equipment network together within the home. Humpleman also teaches hi speed network traffic such as compressed digital video and internet data being routing to and from the transmitter and receive. Humpleman also teaches another feature that allows for an asymmetrically wired home to a form required by one of the single media devices and that is having the set-top electronic device examine the addresses of the data packets it receives and perform a routing function for data that is not meant for this set-top electronics), [Col. 3, lines 5-65 and Col. 5, lines 42-67]. It would have been obvious to one of ordinary skill in the art

at the time the invention was made to have realized that the utilization of a gateway allows for translation as well as conversion of hi-frequency signals within an a asymmetric star wiring home network. However, Humpleman does not explicitly state that the bridge adapter unit has a single inlet port. Eventhough, Humpleman leads one to the position that one of ordinary skill in the art would have realized that the NIU's could have been physically combined within one interface.

6. In the same field of endeavor, Bingel discloses in an analogous art (e.g. data communications and telephony). Bingel discloses a bridge adapter unit that has a single inlet port (Bingel teaches a customer premise wiring is connected to a telephone line by way of a network interface that breaks off into a multiple group of connections (modem (e.g. DSL, ADSL, SDSL, etc), [see Bingel, Col. 6, lines 1-40].

7. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated the Bingel's teachings of data communications and telephony with the teachings of Humpleman's for the purpose of economically deployment of DSL, ADSL, SDSL, etc, communications channel simultaneously in combination with a POS communication on a telephone connection. By this rationale **claim 1** is rejected.

8. Regarding **claim 2**, Humpleman discloses *the single and multimedia electronic devices include telephones, personal computers, fax machines, and televisions running through set top boxes* [see Humpleman, Figure 1]. By this rationale **claim 2** is rejected.

9. **Claim 3** is substantially the same as **claim 1** and is thus rejected for reasons similar to those in rejecting **claim 1**.

10. **Claim 4** is substantially the same as **claim 2** and is thus rejected for reasons similar to those in rejecting **claim 2**.

Claim Rejections - 35 USC § 103

11. **Claims 5-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman-Bingel as applied to claims 1-4 above, and further in view of Timm et al. (Timm), U.S. Patent No. 6,055,268.

12. Regarding **independent claims 5, 7, and 10**, Humpleman-Bingel discloses the invention substantially as claimed (e.g. as in exemplary **independent claim 7**) discloses delivering public network protocol signals to the level of a home or business [see **Humpleman**, Col. 3, lines 5-31] and connecting addressable clients to the internal network (**Official Notice** is taken (see MPEP 2144.03)) and sending data from the public network to the bridge unit. However, Humpleman-Bingel do not explicitly discloses imposing a configurable bridge unit at the home or business between the public network and an internal network of the home or business, the bridge unit transferring data between the public and internal network and using at least a portion of the data to configure addresses for the clients.

13. In the same field of endeavor, Timm discloses in an analogous art multimode digital modem. Timm discloses a configurable bridge unit at the home or business between the public

network and an internal network of the home or business, the bridge unit transferring data between the public and internal network and using at least a portion of the data to configure addresses for the clients [Figs. 2a, 2b, Col. 9, lines 19-24, Col. 10, lines 45-67, Col. 11, line 1, and Col. 40, lines 19-24].

14. Accordingly, it would have been obvious to one or ordinary skill in the networking art to have incorporated Timm's teaching of multimode digital modems with the teachings of Humpleman-Bingel for the purpose of providing a DSL functionality using preselected common circuitry. It is also well known in the networking art for a portion of data to be utilized in configuring the addresses for the clients. This feature is well known with routers, gateways, and bridges.

15. Regarding **dependent claims 6, 8, 9, 11, and 12**, in which it recites features that are common in the networking art as well as being disclosed within the figures of Humpleman-Bingel and Timm. In addition to the limitation of storing both data and parameters of the LAN (**Official Notice** is taken (see MPEP 2144.03)), (It would have been obvious to one of ordinary skill in the networking art to have stored data and parameters of a LAN within a local hard disk). By this rationale **dependent claims 6, 8, 9, 11, and 12** are rejected.

Response to Arguments

16. Applicant's arguments and amendments filed on 22 March 2000 have been carefully considered but they are not deemed fully persuasive. However, because there exists the likelihood of future presentation of this argument, the Examiner thinks that it is prudent to address Applicants' main points of contention.

a. Applicant asserts, Humpleman clearly states that having separate network interface units couple to different external networks and to a common internal network frees the homeowner from being forced to receive all programming from a single source, such as the telephone or cable company and by doing so Humpleman clearly teaches away from applicant's claim 1 as amended.

17. It is the Examiner's position that a prima facie case of anticipation and obviousness were made in Paper 16. It is the Examiner's position that Corley-Humpleman in combination do in fact teach the applicant's claimed invention. Applicant asserts that Humpleman clearly states that having separate network interface units couple to different external networks and to a common internal network frees the homeowner from being forced to receive all programming from a single source, such as the telephone or cable company and by doing so Humpleman clearly teaches away from applicant's claim 1 as amended. Examiner would like to bring to Applicant's attention [Humpleman, Col. 3, lines 18-22], where it states that, "communication with the outside world is performed through a number of separate network interface units (NIU's) and **may be combined**

physically in an entrance unit with each network interface unit permitting a connection between a different external network and the home network."

18. With regards to Applicant's assertion that Humpleman does not teach a asymmetry type hub. Again as stated in previous office action, it is clear to the Examiner, that Humpleman teaches a system that allows for communication with the outside world through a number of separate network interface units that also may be combined physically in an entrance unit (bridging adapter) with each network interface unit permitting a connection between a different external network and the home network. The external networks may carry different types of signals These signals may be broadcast signals carried on hybrid fiber coax cable, ISDN broadcast/digital satellite service, FTTC, FTTH, ADSL,. With regards to Figure 1, in which it teaches a system that has a network interface for different protocols such as HFC/Cable (in which it is well known that cable (CATV) networks is basically "asymmetric". So one of ordinary skill in the networking art would have understand that the interface unit of Humpleman could be use to provide the proper interface for a asymmetrically wired network, since the system does teach cable as well as ADSL signaling [see **Humpleman**, Fig.1, Col. 1, lines 18-32, 53-63]. Humpleman also teaches that the switched hub (bridging adapter) enables special treatment for heavily asymmetric traffic, e.g., compressed digital video and internet data by directly routing these cases from the transmitter to receiver [see **Humpleman**, Col. 5, lines 48-50]. In essence, it teaches that the all traffic primarily goes into the switching hub and is then translated or converted to the particular protocol that is being utilized.

Conclusion

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Vaughn, Jr. whose telephone number is (703) 306-9129. The examiner can normally be reached on Monday through Friday from 8:00 to 4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart, can be reached on (703) 305-4815. The fax phone number for this Group is (703) 305-9731 (for informal or draft communications, please label **"PROPOSED" or "DRAFT"**). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, DC 20231

OR:

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Driver, Arlington, VA., Sixth Floor (Receptionist)

WCV

WCV
Patent Examiner
AU 2152
December 17, 2000

MEHMET B. GECKIL
PRIMARY EXAMINER

Mehmet Geckil